

REMARKS

In the Office Action, the Examiner rejected claims 61-63 and 66 under 35 U.S.C. § 101 as allegedly directed to nonstatutory subject matter; and rejected claims 1-69 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0078153 to Chung et al. ("*Chung*").

I. The Rejection of Claims 61-63 and 66 Under 35 U.S.C. § 101

The Examiner alleges that claims 61-63 and 66 recite nonstatutory subject matter, suggesting that these claims be amended to recite "[a] computer-readable medium **encoded with instructions capable of being executed by a computer**" (Office Action at p. 2) (emphasis in original). While Applicants respectfully traverse the rejection, Applicants have amended these claims consistent with the Examiner's suggestion in order to expedite prosecution. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection.

II. The Rejection of Claims 1-69 Under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 1-69 under 35 U.S.C. § 102(b) as anticipated by *Chung*. To properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(e), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the...claim." See M.P.E.P. § 2131 (8th Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Further, "[t]he elements must be arranged as required by the claim."

M.P.E.P. § 2131. Applicants traverse the rejection of claims 1-69 under 35 U.S.C.

§ 102(b) for the following reasons.

A. Claims 1-29, 31-59, 61, 62, and 67

Chung does not disclose or even suggest each and every element of claims 1-29, 31-59, 61, 62, and 67. Claim 1, for example, recites a method for establishing a computer-enhanced conference call between a plurality of users, comprising "detecting a computer-enhanced conference call event that was previously configured by an initiating user to occur at a designated time in the future" (emphasis added). *Chung* fails to teach or suggest at least these features.

Chung discloses a method and system for providing users with text or audio conferences (*Chung*, abstract). *Chung* further discloses that conferences can be created by having a User A initiate a conference by sending an invitation message to a communications controller 144 (*Chung*, ¶ 71 and FIG. 6). The communication controller creates a new conference upon receiving the invitation (*Chung*, ¶ 72), and invites a user B to join the conference (*Chung*, ¶ 84 and FIG. 7). However, *Chung*'s user does not designate a future time for the conference to take place. Rather, the conference is initiated when the communication controller receives the invitation.

Chung also discloses that certain conferences can be persistent rather than transient, so that the communication controller 114 does not delete the conference when the users leave the conference (*Chung*, ¶ 119-121). *Chung* further discloses that the users can rejoin the conference at a later date (*Chung*, ¶ 121). However, *Chung*'s user does not designate a future time for the persistent conference to reconvene.

As discussed, neither of *Chung*'s transient or persistent conferences are configured by a user to occur at a designated time in the future. Instead, *Chung*'s conferences are simply initiated when the first user sends a conference invitation. Therefore, *Chung* does not teach or suggest "detecting a computer-enhanced conference call event that was previously configured by an initiating user to occur at a designated time in the future." (emphasis added) as recited by independent claim 1.

Accordingly, *Chung* cannot anticipate independent claim 1. Independent claims 17, 31, 47, 61, 62, and 67, although of different scope than claim 1, recite elements similar to the elements recited by claim 1. Applicants therefore respectfully request the Examiner to withdraw the rejection of claims 1, 17, 31, 47, 61, 62, and 67, under 35 U.S.C. § 102(e) as being anticipated by *Chung* and allow these claims.

Claims 2-16 depend from claim 1, claims 18-29 depend from claim 17, claims 32-46 depend from claim 31, and claims 48-59 depend from claim 47. Since *Chung* does not support the rejection of claims 1, 17, 31, and 47 under 35 U.S.C. § 102(b), *Chung* also does not support the rejection of dependent claims 2-16, 18-29, 32-45, and 48-59 for at least the same reasons set forth above in connection with claims 1, 17, 31, and 47. Therefore, Applicants request that the rejection of claims 2-16, 18-29, 32-45, and 48-59 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.

B. Claims 64-66

Chung does not disclose or even suggest each and every element of claims 64-66. Claim 64, for example, recites a method for participating in a computer-enhanced conference call automatically established by at least one or more communication entity, comprising "scheduling a computer-enhanced conference call at a predetermined time

in the future using a calendar application" (emphasis added). *Chung* fails to teach or suggest at least these features.

As discussed above with respect to claim 1, *Chung*'s conferences are initiated when the first user sends a conference invitation. *Chung* does not disclose that users can schedule conference calls for a future time. Therefore, *Chung* does not teach or even suggest at least the claimed "scheduling a computer-enhanced conference call at a predetermined time in the future using a calendar application," (emphasis added) as recited by independent claim 64.

Accordingly, *Chung* cannot anticipate independent claim 64. Independent claims 65 and 66, although of different scope than claim 64, recite elements similar to the elements recited by claim 64. Applicants therefore respectfully request the Examiner to withdraw the rejection of claims 65 and 66 under 35 U.S.C. § 102(e) as being anticipated by *Chung* and allow these claims.

C. Claims 30, 60, 63, 68, and 69

Chung does not disclose or even suggest each and every element of claims 30, 60, 63, 68, and 69. Claim 30, for example, recites a method for establishing a computer-enhanced conference call, comprising "establishing a collaboration between the initiating user and conference users that are authorized to participate in the collaboration based on the response, the collaboration excluding at least one conference user that is not authorized to participate in the collaboration but participates in the conference call" (emphasis added). *Chung* fails to teach or suggest at least these features.

As discussed, *Chung* discloses a method and system for providing users with text or audio conferences (*Chung*, abstract). *Chung* further discloses that owners of a conference can block selected users from joining a conference, or specify a list of users who are allowed to join the conference (*Chung*, ¶ 121). However, *Chung* does not disclose a “collaboration” from which a user can be excluded while still participating in the conference call. Therefore, *Chung* does not teach or suggest the claimed “collaboration excluding at least one conference user that is not authorized to participate in the collaboration but participates in the conference call,” as recited by independent claim 30 (emphasis added).

Accordingly, *Chung* cannot anticipate independent claim 30. Independent claims 60, 63, 68, and 69, although of different scope than claim 30, recite elements similar to the elements recited by claim 30. Applicants therefore respectfully request the Examiner to withdraw the rejection of claims 30, 60, 63, 68, and 69 under 35 U.S.C. § 102(e) as being anticipated by *Chung* and allow these claims.

III. The Office Action Fails to Comply With M.P.E.P. § 706.02(j) and 37 C.F.R. § 1.104(c)(2)

Applicants respectfully assert that the Office Action does not meet the requirements of M.P.E.P. § 706.02(j), which states that the Office Action should set forth “the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s)” (emphasis added). Moreover, 37 C.F.R. § 1.104(c)(2) states, “when a reference is complex or shows or describes other inventions other than that claimed by applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not

apparent, must be clearly explained and each rejected claim specified" (emphasis added).

Here, the Office Action does not comply with M.P.E.P. § 706.02(j) and 37 C.F.R. § 1.104(c)(2). The Office Action fails to distinguish between independent claims which do not recite identical subject matter. For example, the Office Action rejects independent claim 64 for the same reasons as independent claim 1 (Office Action at p. 3). However, claim 64 recites "receiving an indication that a computer-enhanced conference call has been configured in accordance with the scheduled computer-enhanced conference call," subject matter not recited by claim 1. Applicants respectfully request that the next Office Action identify the relevant teachings of the references as they pertain to each recitation of the claims, as required by the M.P.E.P. and by 37 C.F.R. § 1.104(c)(2).

IV. Conclusion

In view of the foregoing remarks, Applicants submit that this claimed invention, is neither anticipated nor rendered obvious in view of the cited art. Applicants therefore request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 

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